

## **CITY COUNCIL MINUTES**

**April 8, 2013**

### **REGULAR SESSION**

The Regular Session of the Auburn City Council was held in the Council Chambers, City Hall, 1225 Lincoln Way, Auburn, California on Monday, April 8, 2013 at 6:02 p.m. with Mayor Hanley presiding and City Clerk Stephanie L. Snyder recording the minutes.

**CALL TO ORDER** at 5:00 p.m.

#### **ROLL CALL:**

**Council Members Present:** J.M. "Mike" Holmes, William Kirby, Bridget Powers, Kevin Hanley, Keith Nesbitt (arrived at 5:03p.m.)

**Council Members Absent:** None

**Staff Members Present:** City Manager Robert Richardson, City Attorney Michael Colantuono, Fire Chief Mark D'Ambrogi, Public Works Director Bernie Schroeder, Transit Analyst Megan Siren, Administrative Services Director Andy Heath, Community Development Director Will Wong, Senior Planner Reg Murray, Police Chief John Ruffcorn.

By **MOTION** adjourn to a Closed Session under Government Code Section 54957.6

**MOTION: Holmes/Powers/ Approved 4:0 (Nesbitt absent)**

**\*Council Member Nesbitt joined closed session at 5:03 p.m.**

1. **Initiation of Litigation:** One case  
G.C. 54956.9(c)

2. **Conference with Labor Negotiators:**  
(G.C. 54957.6)

Agency Designated Representatives: Robert Richardson, Patrick Clark

Employee Group: All Units

#### **REPORT OUT OF CLOSED SESSION**

Mayor Hanley stated no reportable action out of closed session.

#### **PLEDGE OF ALLEGIANCE**

## **MAYOR'S COMMENDATIONS/PROCLAMATIONS/ACKNOWLEDGEMENTS/ANNOUNCEMENTS**

National Public-Safety Telecommunications Week proclamation was presented to Dispatcher of the Year Anne Henry.

## **AGENDA APPROVAL**

Council Member Holmes requested item #13 be pulled from this agenda and brought back at a future meeting to allow for more public input.

By **MOTION**, postpone item 13 until the May City Council Meeting.

**MOTION: Holmes/ Nesbitt/ Approved 5:0**

Heather Ireland, resident of Meadow Vista asked that item #9 be postponed. She presented a petition signed by local homeless who feel they were not properly notified about this item.

Council Member Kirby asked staff about the potential impact of postponing item 9.

Michael Colantuono explained the two reading requirement of all ordinances; meaning there will be no final action on this item tonight.

Item 9 remained on the agenda and the rest of the agenda was approved as presented by consensus of the Council.

## **CONSENT CALENDAR**

### **1. Minutes**

By **MOTION**, approve the City Council Workshop minutes of 3/4/2013.

### **2. Warrants**

By **RESOLUTION 13-26**, approve warrants # 81934 through 82147 totaling \$1,031,764.49.

### **3. Quarterly Report of Investments – Quarter Ending December 31, 2012**

Receive, review and file the *"City of Auburn Quarterly Investment Report"* for the quarter ending December 31, 2012.

### **4. Ordinance Amending Auburn Municipal Code; Section 100.87 of Chapter 100 of Title IX; Fuel Modification Standards, Requirements, Second Reading**

By **MOTION**, hold a second reading, by title only and adopt an **ORDINANCE 13-05** to amend the Auburn Municipal Code Section 100.87 of Chapter 100 of Title IX, Fuel Modification Standards, Requirements.

5. **Multimodal Platform Extension – Consultant Agreement**

By **RESOLUTION 13-27**, authorize the Director of Public Works to execute a professional services agreement with Uhora Engineering and Planning, Inc. for preliminary engineering and environmental services for the Multimodal Platform Extension Project subject to approval of form by the City Attorney in an amount not to exceed \$51,315.

6. **Auburn School Park Preserve Community Garden Lease Agreement**

By **RESOLUTION 13-28**, authorize the City Manager to execute the Community Garden Lease with Placer Land Trust.

7. **Request for Waiver of City Fees for Leadership Auburn Class of 2013 Project**

By **RESOLUTION 13-29**, waive the City Fees for Leadership Auburn Class of 2013 Project – Gold Country Fairgrounds – Entryway Improvements.

\*\*\*\*\* End of Consent Calendar \*\*\*\*\*

By **MOTION**, approve the consent calendar.  
**MOTION: Nesbitt/ Powers/ Approved 5:0**

8. **Public Comment**

Council Member Nesbitt congratulated staff on winning the Clean Air award.

**PUBLIC HEARING**

9. **Ordinance Amendment – Emergency Shelters and Transitional and Supportive Housing**

Senior Planner Reg Murray presented this item. He said in 2007, the state enacted Senate Bill 2, requiring jurisdictions to plan for and accommodate emergency shelters in their Housing Element of the General Plan. He said the jurisdiction must identify one zone district where homeless shelters can be provided. He said the bill also mandated the local jurisdictions to amend their code to permit “transitional housing” and supportive housing”.

He explained the revisions to the code to meet this new requirement. He reviewed the recommended changes by the Planning Commission and provided staff analysis on those recommendations. He spoke about the correspondence received from the public and the resulting revisions. He said staff's recommendation is to take action as listed on the agenda with the following revisions: (1) amend the separation standards between the shelters and the R-1 Zone from 500 feet to 300 feet, (2) delete the separation standard as it appears between shelters and parks, libraries and schools, (3) amend the method of measurement of how the distance separation is determined and (4) to replace references to "premises" with the word "building".

Council Member questions followed regarding: (1) location of a potential year round emergency shelter, (2) minimum requirements according to state regulations, (3) occupancy limits for temporary shelters, (4) multi-jurisdictional approach, (5) Industrial M-2 zone district project review and approval, (6) timeliness of code revisions, (7) notification to residents/tenants/business owners, (8) Housing Element submitted to the State, (9) services located near M-2 zones, (10) homeless population, (11) encampment type set-ups, (12) Downtown Business Association, (13) legal challenges to separation distances, (14) existing permanent emergency shelters located in Placer County, (15) nearby services for the homeless, (16) Planning Commission Hearing attendance by public and commissioners, (17) the survey on homeless population, (18) occupancy standards, and (19) Salvation Army resources.

Public comment:

Suzi deFosset, 165 Village Lane, Auburn, Executive Director of the Gathering Inn, said a survey in 2011 counted 631 homeless individuals in Placer County. She said she recommends increasing the capacity at the shelter from 30 people to 60 people.

Heather Ireland, resident of Meadow Vista, presented a map of social services and proposed zones in Auburn (including County areas), she said she would like the Dewitt Center considered.

Bob Haydon, resident of Auburn, asked when the code amendment must be adopted, Union Pacific Railroad's position on this issue, and the process of ordinance adoptions. He spoke of access on Borland in regards to the railroad track.

Liisa Stark of Union Pacific Railroad said they are concerned with the proposed ordinance that would allow for homeless facilities in very close proximity to the main line tracks. She spoke of the potential risks and asked for additional security measures. She proposed language for the ordinance to address these concerns. She asked if the airport property

has been considered.

Tim Burn, homeless in Placer County, spoke of his experience as homeless person. He spoke of the lack of resources for the homeless in Auburn.

Kathy Engle, resident at 12293 New Airport Rd in Placer County, spoke of the negative impact on homelessness with little to no resources.

Richard Fong, resident at 12110 Herdal Dr. in Auburn, spoke about the lack of notification to property owners affected by this ordinance.

Michael Carroll, St. Teresa's Catholic Church in Placer County, asked for compassion for the homeless. He spoke of the services his church offers the homeless. He said the homeless problem has become an epidemic.

Joseph Tucciarone, of Auburn, asked if the airport area has been considered for this type of zoning.

Danusia Szumowski, resident at 177 Borland Ave in Auburn, said the industrial area proposed is not the right area due to lack of resources and track proximity.

Tom Jones, resident of Auburn, asked the Council questions about the proposed ordinance. He said he is concerned that this is being rushed and more data is needed.

Tom Burn (spoke earlier) provided information on CA Health and Safety code 50801 regarding shelters.

Jeff Cowan, 179 Electric St. Auburn, said he supports the city moving forward with this amendment, with a capacity of 60 beds.

Ken Geil, 165 Lubeck Auburn, spoke of the M-2 zone and the proximity to the railroad tracks. He spoke of other possible areas for this zoning.

Council Member comments followed regarding (1) complying with the state mandate/housing element, (2) proximity to services for the homeless, (3) multi-jurisdictional approach, (4) homeless population in Auburn, (5) Airport property, (6) city vs. county property, (7) FAA restrictions on airport property, (8) other zoning options, (9) receiving more community input, (10) partnering with the County, (11) lack of

capability in the city limits for a facility, (12) finding collaborative and sensible conclusions, and (13) continuing the item.

City Attorney Michael Colantuono explained the possibly consequences of not having a certified housing element.

Mayor Hanley said the housing element should be reviewed by City Council before it goes to the state Department of Housing and Community Development for input.

By **MOTION**, continue item to the first meeting in May 2013 in order to explore other options, with multi-jurisdictional option as top priority.

**MOTION: Nesbitt/Holmes/Approved 5:0**

Mayor Hanley recessed the meeting at 8:00 p.m.  
Meeting resumed at 8:10 p.m.

10. **Ordinance Amendment – Residential Care Facilities**

Senior Planner Reg Murray presented this item. He said this ordinance will define residential care facilities and permit large residential care facilities in the Multiple-family Residential (R-3) zone district and the Central Business District (C-2).

Council Member Holmes asked about state licensing requirements.

- A. By **MOTION**, adopt a Statutory Exemption prepared for the Residential Care Facilities Ordinance as the appropriate level of environmental review in accordance with Section 15061 (b)(3) of the California Environmental Quality Act (CEQA) and Guidelines;
- B. By **MOTION**, adopt the following Findings of Fact for approval of the Residential Care Facilities Ordinance:
  - 1. The Ordinance implements State law;
  - 2. The Ordinance is consistent with the Auburn General Plan Housing Element;
  - 3. The Ordinance is the minimum necessary to protect the public interest, health, safety and general welfare.
- C. By **MOTION**, introduce and hold a first reading, by title only, of the Residential Care Facilities Ordinance.

**MOTION: Nesbitt/Powers Approved 5:0**

11. **Ordinance Amendment – Single Room Occupancy Units**

Senior Planner Reg Murray presented this item. He said this ordinance will allow Single Room Occupancy units in the Regional Commercial (C-3) zone district, subject to a use permit. He said this includes a separation standard of 500 feet to any single family residential (R-1 zone).

Council Member questions followed regarding (1) state mandates, (2) minimum requirements, (3) examples of existing SRO's, and (4) facilities requirements.

Council Member comments followed regarding kitchenette and bathroom access requirements.

Council Member Holmes moved to approve this item as presented.

Council Member Kirby clarified with the City Attorney that this is not based on a state requirement and therefore the city does not have to adopt it. He said he does not like adopting ordinances that are not necessary.

Council Member Holmes amended his motion to add language in the definition of SRO stating "individual uses may lack either individual cooking facilities or individual sanitary facilities, or both; but shall have access to shared such facilities."

- A. By **MOTION**, adopt a Statutory Exemption prepared for the Ordinance for Single Room Occupancy Units as the appropriate level of environmental review in accordance with Section 15061 (b)(3) of the California Environmental Quality Act (CEQA) and Guidelines;
- B. By **MOTION**, adopt the following Findings of Fact for approval of the Ordinance for Single Room Occupancy units:
  - 1. The Ordinance implements State law;
  - 2. The Ordinance is consistent with the Auburn General Plan Housing Element;
  - 3. The Ordinance is the minimum necessary to protect the public interest, health, safety and general welfare.
- C. By **MOTION**, introduce and hold a first reading, by title only, of the Ordinance to allow Single Room Occupancy (SRO) units in the Regional Commercial (C-3) zone district, subject to a use permit.

**MOTION: Holmes/Powers/Failed 2:3 (Nesbitt, Kirby, Hanley voted no)**

Discussion followed regarding this ordinance amendment not being adopted.

12. **Ordinance Amendment – Reasonable Accommodation**

Senior Planner Reg Murray said this item is related to amendments passed by Senate Bill 520 including prohibiting discrimination due to a disability and it is also stipulated that the Housing element of a jurisdiction's General Plan must include a program necessary to adequately provide for the housing needs of all economic segments of the community. He said this provides an administrative level variance process for persons with disabilities.

Council Member questions followed regarding: (1) ADA compliance, (2) neighboring property set-backs, (3) notification to adjacent property owners during administrative review, and (4) appeals process.

City Attorney Michael Colantuono suggested revised wording:

(1) on 159.434 (2) the requested accommodation is necessary "in both nature and extent" to provide one or more individuals with a disability an equal opportunity to use and enjoy their property.

(2) change the verbiage in 159.434 (7) to replace "substantial physical damage" to "substantial physical harm".

(3) 159.433 (a) Directors Review: If an accommodation will require an exterior change to a structure, notice of the application shall be given to the owner(s) of the adjacent property on the property line(s) adjacent to the portion of the structure affected.

A. By **MOTION**, adopt a Statutory Exemption prepared for the Reasonable Accommodation Ordinance as the appropriate level of environmental review in accordance with Section 15061 (b)(3) of the California Environmental Quality Act (CEQA) and Guidelines;

B. By **MOTION**, adopt the following Findings of Fact for approval of the Reasonable Accommodation Ordinance:

1. The Ordinance implements State law;
2. The Ordinance is consistent with the Auburn General Plan Housing Element;
3. The Ordinance is the minimum necessary to protect the public interest, health, safety and general welfare.

- C. By **MOTION**, introduce and hold a first reading, by title only, of the Reasonable Accommodation Ordinance with revisions adding Sections 159.430 through 159.434 to the Auburn Municipal Code.

**MOTION: Nesbitt/Powers/ Approved 5:0**

## **COUNCIL BUSINESS**

13. **Updated Resolution for Historic Buildings and Places Nomination Process for the Auburn Register of Historic Places**

Item continued until the May 13, 2013 City Council meeting.

14. **Planning Commission and Historic Design Review Commission Priorities Review**

Senior Planner Reg Murray presented this item. He said this is an informational item only. He said the Historic Design Review Commission (HDRC) met February 19, 2013 to conduct a review of their priorities. He said the HDRC identified three new items of interest: (1) amend the HDRC Guidelines to include elements from the Auburn Streetscape Project, (2) review the Commission's Powers and Duties pursuant to AMC 159.496, and (3) amend the sign provisions on the HDRC Guidelines to be consistent with the 2012 Sign Ordinance Update. He said the Planning Commission met March 19, 2013 to conduct their annual review of planning issues and priorities. He said they identified two new issues to focus on: hillside development guidelines and landscape guidelines. He also explained that the staff report reflects the special projects list for both the HDRC and Planning Commission.

Council Member Powers said she is glad to see the Placer County Airport Land Use Compatibility Plan in the priorities.

Council Member Holmes said he is looking forward to following up on the progress by the HDRC on priorities (3,4&5 as listed on special project list).

Mayor Hanley asked about the FEP/GP Fee schedule item on the special projects list.

Reg Murray explained the agreement with the Baltimore Ravine developer regarding completing a study to determine a fee to help update the General Plan.

15. **Regional Sewer Update & Consideration of Fiscal Year 2013/14 Sewer Service Charges Adjustment**

Public Works Director Bernie Schroeder presented this item. She said this presentation is to provide a Regional Sewer Project update and request implementation of the CPI adjustment for the upcoming tax roll. She provided background on the sewer rates, sewer rate structure, future rate structure, update on the Regional Sewer Project, on-site upgrades, and provided options for the Council to consider.

Council Member Holmes asked about the prop 218 process and deal points for purchasing capacity in the common pipeline.

Council Member Nesbitt asked about the CPI adjustment and buying capacity to have the right to resell the capacity at a future date.

Council Member Kirby asked if buying capacity in the pipeline does not necessarily commit Auburn to connecting to the pipeline at any future date. He also asked if it allows for flexibility in the future for regional wastewater solutions. He asked if that capacity could be worth more in the future.

Mayor Hanley asked about the CPI adjustment and the study on how the oxidation ditch is financed. He asked about the urgency for the city to buy capacity in the pipeline.

Richard Sanborn, resident of Auburn, said he supports moving forward with on-site upgrades and keeping the wastewater treatment local.

Gordon Ainsleigh, resident of Meadow Vista, spoke of deal points with the County and the concept of economy of scale. He said to keep the best interest of the voters in mind.

Council Member Kirby asked if buying capacity changes the project one way or another for the county. He asked where the four mile section of pipe would be laid; stating "miles" of pipe would have to be built to tie in at the point of connection in the future. He said he strongly believes that "option 2" provides the city with the greatest flexibility in a very unpredictable future with very little risk.

Council Member Powers said she supports "option 2" because she likes to have reserves. She said we need to state that we have the right to sell our capacity in the agreement with Placer County.

Council Member Nesbitt said he supports "option 1" and would like to direct staff to get a finite cost of the CPI increase.

Mayor Hanley said he doesn't like either option presented tonight because he does not have enough information. He said he would like to see a study that justifies a rate increase for the oxidation ditch and for how long. He said he wants staff to justify each yearly CPI increase. He said he needs more information on the capacity and the pipe, the pros and cons, and what is the best interest of Auburn. He said he would like this to come back to another meeting with more information on both options. He said he would like further information/ clarification on using the reserves for a regional project. He said he sees this as a flawed project. He said it's not a true regional project with equal shared savings and costs.

Council Member Kirby said "option 2" gives Auburn the option to participate in the future. He spoke of the importance of a proper governance structure.

By **MOTION**,

- 1) Direct staff to notice sewer rate payers of the consumer price index adjustment on the upcoming parcel tax report of the Fiscal Year 2013/14 Sewer Service Charges; and
- 2) Direct staff to prepare agreements with Placer County for the purchase of capacity in the regional pipeline (including the right to sell excess capacity) and begin the pre-design of the Oxidation Ditch. The draft will be brought back to Council before presented to Placer County.

**MOTION: Kirby/Holmes Approved 4:1 (Hanley voted no)**

## **REPORTS**

### **16. City Council Committee Reports**

Council Member Holmes reported on the Placer County Transportation Planning Agency Regional Transportation Funding Steering Committee meeting he attended regarding funding. He also reported on the Sierra Economic Development Corporation meeting held in Citrus Heights. He said he is visiting Washington D.C later this week and highlighted some of the meetings he will be attending while there. He said the City Historian is working on the self-guided walking tour of Old Town Auburn and should be completed soon. He highlighted the photos in the City Hall Art Gallery by Gary Hughes. He spoke of other activities the Arts Commission is working on. He said on May 10<sup>th</sup> the rededication of the El Dorado Street Fire House will take place. He said on May 17<sup>th</sup> UP Railroad will be designating Auburn as "Rail Town USA". He said he will be traveling to China on April 22<sup>nd</sup> to meet with "Visit California" staff.

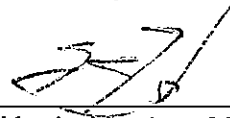
Council Member Nesbitt reported on the Economic Development Commission activities.

Council Member Powers reported on the awards breakfast held by Placer County Economic Development Commission. She said Auburn received an award for the "Industry 2012" event. She reported on the Auburn Airport Business Park Association meeting coming up later this week. She reported that the CEO of SEDCorp also received a lifetime achievement award at the Placer County Economic Development Awards Breakfast. She reported on the replacement of the airport business park sign.

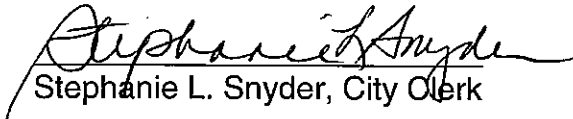
Council Member Kirby reported on the replacement of the sign at the airport. He reported on the Citizens Awareness Academy that he is enrolled in.

## **ADJOURNMENT**

Mayor Hanley adjourned the meeting, without objection, at 10:05 p.m.



Kevin Hanley, Mayor



Stephanie L. Snyder, City Clerk